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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,946	01/25/2002	Artur Valentin	218032US6	6970

7590 07/12/2005

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EXAMINER
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PERUNGAVOOR, VENKATANARAY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/054,946

Applicant(s)

VALENTIN, ARTUR

Examiner

Venkatanarayanan Perungavoor

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 5/22/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Specifications***

The Specifications is deficient of the title for each of the subsections. The Examiner has listed below where he thinks it should be:

- 1) Field of Invention(*after title before the first sentence on Page 1*)
- 2) Background of Invention(*after first paragraph on Page 1*)
- 3) Summary of Invention(*after second paragraph on Page 2*)
- 4) Brief Description of Drawings(*on Line 1 on Page 4*)
- 5) Detailed Description(*after Line 5 on Page 4*)

Appropriate Correction is required. The Examiner cites MPEP 608.01(a)[R-2](b) for proposed amendment.

The following misspelling needed to be corrected: On page 1 Paragraph 3 Line 3 & Line 6, the spelling of PIN is spelled incorrectly.

The Abstract is being objected to because of the following informalities: The heading of the Abstract should be "Abstract" or "Abstract of the disclosure" and not "Summary" as it currently states. The Examiner cites MPEP 608.01(b)[R-2] for proposed amendment.

The Abstract contains reference to Figure 1, which the examiner believes is irrelevant and thus should be removed.

### ***Claim Objections***

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Claim 1 says "...without the individual device code of the device(1)..." twice the examiner believes it should said once. The typographical error needs to be corrected.

Claim 2 says "...device code(1) in device 1...", but the device is one that is being referenced by (1) and hence the Examiner believes it should be "...device code in device (1)...". The typographical error needs to be corrected.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites "...the previous..." in the third item, it is unclear what is meant by previous. The examiner suggests that this term be deleted.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1-4 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2001/0054010 A1 (with priority under 119(e) based on 60/202251 filed on 5/5/2000) to Bernabeo et al.(hereinafter Bernabeo).

Regarding Claim 1, Bernabeo discloses the storing of device number and device code in a database see Par. 0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0030). Bernabeo further discloses the delivery of the device see Par. 0036 & Fig. 5A item 106; Bernabeo also discloses the readout simultaneously of the code and number see Par. 0028.

Regarding Claim 2, Bernabeo discloses the storing of code in a unchangeable memory area that can not be read by outsiders see Par. 0013 & Par. 0036.

Regarding Claim 3, Bernabeo discloses the code number being invoice number see Par. 0027.

Regarding Claim 4, Bernabeo discloses the storing of device number and device code in a database see Par.0027-0028(Bernabeo discloses of further having a purchaser redemption code associated with each device this suggest that a number be part of this

in order for there to be an link be particular purchaser and redemption code, further illustrated by the movie access disclosed by Bernabeo see Par. 0033).


### ***Conclusion***

The following patents are cited to further show the state of art in general:

U.S. Patent Publication 2001/0054014 A1 to Noda et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
GILBERTO BARRON JR.  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100

Venkatanarayanan Perungavoor  
Examiner

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VP  
6/29/2005